

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIAM PENNICK,	:	
Plaintiff,	:	
vs.	:	Case No. 3:14cv00006
CAROLYN W. COLVIN,	:	Chief Magistrate Judge Sharon L. Ovington
Acting Commissioner of the Social	:	
Security Administration,	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court upon Plaintiff's Motion Attorney Fees Under Equal Access To Justice Act, 28 U.S.C. §2412(d) (Doc. #18) and the Commissioner's Response (Doc. #19). The Commissioner states that she does not oppose the award of attorney fees in the amount Plaintiff seeks.

Plaintiff's Motion seeks an award of attorney fees under §2412(d) in the total amount of \$4,746.06. In the absence of a response or opposition by the Commissioner, the Motion, Memorandum, and supporting Exhibits establish that an award of attorney fees is warranted under §2412(d) in the amount the Motion seeks. Additionally, the award fully and completely satisfies all claims for attorney fees, costs, and expenses under 28 U.S.C. §2412. Under the parties' stipulation, and pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), any

fees paid by the government belong to Plaintiff, rather than his attorney, and can be offset to satisfy pre-existing debt, if any, that Plaintiff owes the United States.

Accordingly, the Court hereby **ORDERS** that:

1. Plaintiff's Motion Attorney Fees Under Equal Access To Justice Act, 28 U.S.C. §2412(d) (Doc. #18) is GRANTED;
2. The Commissioner shall pay Plaintiff's attorney fees pursuant to 28 U.S.C. §2412(d) in the amount of \$4,746.06;
3. Defendant shall verify, within thirty days this Decision and Entry, whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the instant award directly to Plaintiff's attorney; and
4. The case remains terminated on the docket of this Court.

February 24, 2015

s/Sharon L. Ovington
Sharon L. Ovington
Chief United States Magistrate Judge